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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

ALLAN PARKS,

Plaintiff and Appellant,

v.

MBNA AMERICA BANK, N.A.,

Defendant and Respondent.

G040798

(Super. Ct. No. 04CC00598)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Gail Andrea Andler, Judge. Affirmed.

Rosner & Mansfield, Michael R. Vachon; Law Office of Michael R. Vachon and Michael R. Vachon for Plaintiff and Appellant.

Arnold & Porter, Laurence J. Hutt, Teri R. Richardson, and Christopher S. Tarbell for Defendant and Respondent.

Edmund G. Brown Jr., Attorney General, Frances T. Grunder, Assistant Attorney General, Kathrin Sears and Sheldon H. Jaffe, Deputy Attorneys General, for the Attorney General of the State of California as Amicus Curiae upon the request of the Court of Appeal.

Horace G. Sneed, Director of Litigation, and Douglas B. Jordan, Senior Counsel, for the Office of the Comptroller of the Currency Administrator of National Banks as Amicus Curiae upon the request of the Court of Appeal.

* * *

Alleging systematic violations of Civil Code section 1748.9, plaintiff Allan Parks filed a class action lawsuit against MBNA America Bank, N.A. (MBNA) for its purportedly unlawful business practices under Business and Professions Code section 17200 et seq. The trial court granted judgment on the pleadings to MBNA, concluding Civil Code section 1748.9 was preempted with regard to national banks by federal law. We reversed. The California Supreme Court reversed our judgment and remanded for further proceedings consistent with its opinion. (See *Parks v. MBNA America Bank, N.A.* (2012) 54 Cal.4th 376.) On November 26, 2012, the United States Supreme Court denied Parks' petition for writ of certiorari. Our review of the California's Supreme Court's opinion discloses that the trial court's judgment must be affirmed and the only remaining issue is the award of costs. We therefore affirm the trial court's judgment and award costs incurred on appeal to MBNA.

IKOLA, J.

WE CONCUR:

MOORE, ACTING P. J.

ARONSON, J.